

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

EVA S. COOLEY

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-196-TBM-MTP

**LAMAR COUNTY SHERIFF'S
DEPARTMENT, ET AL**

DEFENDANTS

ORDER

This matter came before the Court on the Motion for Judgment on the Pleadings [41] filed by Defendant Lamar County Sheriff's Department on September 26, 2023, in response to the Plaintiff's original Complaint [1] filed on October 23, 2020. Pursuant to Plaintiff's Amended Complaint [53] filed on November 1, 2023, the Court finds that Lamar County Sheriff's Department Motion for Judgment on the Pleadings [41] is MOOT.


The Amended Complaint [53] renders the original complaint [1] of no legal effect because the Amended Complaint does not refer to, adopt, or incorporate by reference the original Complaint. *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (finding that an amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.”).

Therefore, the pending Motion for Judgment on the Pleadings [41] is moot. *See New Orleans Association of Cemetery Tour Guides and Companies v. New Orleans Archdiocesan Cemeteries*, 56 F.4th 1026, 1034 (5th Cir. 2023) (“Because the first amended complaint is

nullified, we cannot consider—and thus must dismiss—an appeal . . . stemming from said complaint.”).

IT IS THEREFORE ORDERED AND ADJUDGED that Lamar County Sheriff’s Department Motion for Judgment on the Pleadings [41] is MOOT.

This, the 22nd day of December, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE